

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

E-DATA

Plaintiff,

v.

CINEMARK USA ET AL.

Defendants.

ORIGINAL

Civil Action No. 05-CV-04616 (BSJ)(FM)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED

FILED: 12-27-05

STIPULATION OF DISMISSAL

Plaintiff E-Data Corporation ("E-Data") and Defendant Amazon.com Inc.

("Amazon.com") file this stipulation of dismissal under Fed. R. Civ. P. 41(a)(1)(ii) whereby E-Data moves to dismiss the suit with respect to Amazon.com who agrees to the dismissal. E-Data has not dismissed an action based on or including the same claims as those presented in this suit with respect to Amazon.com.

E-Data and Amazon.com stipulate that (1) this dismissal is with prejudice, (2) each party shall bear its own attorneys' fees and costs and (3) E-Data has not released, and nothing herein shall be construed as a release or discharge of, any claim E-Data has or may have in the future against any other Defendant named in this action.

Dated: 16 DEC 05SO O
Frank V. [Signature]
12/27/05

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of December, 2005, a copy of STIPULATION OF DISMISSAL between E-DATA and AMAZON.COM was electronically served to attorneys so registered via the SDNY CM/EDF system and by Facsimile to the last known Facsimile Number as set forth below:

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